

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MALACHI KILGORE-BEY,

Civil No. 06-1049 (JRT/FLN)

Petitioner,

v.

O R D E R

LINDA DINGLE,

Respondent.

Malachi Kilgore-Bey, Minnesota Correctional Facility #205781, 970 Pickett Street North, Bayport, Minnesota 55003, pro se plaintiff.

THOMAS R. RAGATZ, Assistant Attorney General, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 1800, St. Paul, Minnesota 55101, for respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated April 14, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

DATED: May 12, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge